

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JUN 7 - 2012

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA §
§
V § CRIMINAL NO: C-12-350
§
ROBERT L. McCHESTER, JR. §

STIPULATION OF FACTS

The Defendant Robert L. McChester, Jr., has agreed to stipulate with the United States Attorney for the Southern District of Texas Kenneth Magidson and through the undersigned Assistant United States Attorney to the following testimony concerning the violation(s) of Title 18, U.S.C. Section 2422(b) alleged in the above-number Indictment as follows:

That if called to do so at trial the Government could present witnesses and evidence that beginning in April of 2011 and continuing until April 2, 2012 the Defendant, Robert L. McChester, Jr. used the telephone connected to the internet to knowingly attempt to persuade, induce, entice and coerce a minor to engage in sexual activity for which he could be prosecuted under Texas Penal Code § 22.011. Specifically the Government could prove that the victim was 14 years of age when the internet and telephone communications with Defendant began. In April of 2011, the victim contacted the Defendant on Facebook and was accepted by the Defendant as a "friend", thus allowing further communications on Facebook to occur. Facebook is a social networking website on the internet. During their communications the victim stated to Defendant she was 14 years of age. Further Defendant knew the victim was a freshman in high school due to his employment at victim's school. Within two weeks of that first communication the online conversation became flirtatious between Defendant and victim.

Shortly thereafter, Defendant and victim began discussing preferences regarding sexual activity while on Facebook. In one such internet chat, McChester asked the victim "Do you swallow? You take it in the ass? Would you do a 3some?" In subsequent communications, McChester expressed a desire to engage in acts of oral and vaginal sex with the victim. Numerous chats were recovered from Facebook wherein the victim and Defendant made arrangements to meet at specific times and locations to engage in sexual acts which, if they occurred, would violate Texas Penal Code § 22.011.

Texas Penal Code § 22.011 makes it a crime to engage in sexual activity which causes the mouth, anus or sexual organ of child to be penetrated by the sexual organ of the actor. The Parties agree that the proposed activities of engaging in oral and vaginal sex with a person less than 17 years of age would violate Texas Penal Code.

We, the undersigned have read, understand, and agree that the information contained in this Stipulation is true, correct and undisputed.

 6/7/12
ROBERT L. MCCHESTER, JR.


ATTORNEY FOR DEFENDANT

KENNETH MAGIDSON
UNITED STATES ATTORNEY

BY:


LANCE DUKE
Assistant United States Attorney